Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. No.3769 of 2004

PETITIONER Paluram Patel, S/o. Jagmohan Patel aged 54 years, Occupation – Assistant Teacher, Higher Secondary School Kirodimal Nagar, R/o. Gejamuda, P.O. Kirodimal Nagar, Tahsil & District – Raigarh (C.G.)

P.R. No. 3768/04 Presented by Shri ... dated 07.10.04

VERSUS

RESPONDENTS 1) State of Chhattisgarh
Through Secretary School Education
Department D.K.S. Bhawan, Raipur

RECEIVED COPY 7-10-04 Clerk to A.G. Bilaspur

2) District Education officer
District Raigarh

3) Collector Raigarh,
District Raigarh

शपथ आयुक्त

WRIT PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No.3769/04

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

7-12-2004

Smt. Hamida Siddiqui, counsel for the petitioner.
Shri Utkarsh Verma, Panel Lawyer for the respondent/State.

Heard on admission and M.(W.)P.No.4187/2004 for interim relief.

Petitioner is working as Assistant Teacher since 1984 and remained in Higher Secondary School, Kirodimal Nagar. He has now been transferred vide order dated 31-7-2004 issued by District Education Officer, Raigarh. By that order, 56 Teachers have been transferred from various schools and posted to other various schools. The State Government, vide notification No.F 1-1/2002/1/6 dated 7-7-2004, has framed transfer policy, and it does not appear that, the transfer in question, in any way violates any of the conditions of the said policy. To interfere with the administrative transfer, it is necessary that there must be *prima facie* material to show that the transfer has been made with *mala fide* intention. But, in this case, there is nothing serious to substantiate that the said transfer has been made with *mala fide* intention or overlooking or violating the transfer policy issued by the State Government. Therefore, the petition deserves to be dismissed.

If the petitioner, as alleged, is suffering from illness or has any family problem, he can submit detailed representation to

(25)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	competent authority, and the competent authority shall consider the same on its own merit. **With the aforesaid directions, the petition, filed under Articles 226 and 227 of the Constitution, is dismissed summarily.** **In the light of above orders, the M.(W.)P. filed for interim relief stands disposed of.** **Certified copy as per rules.** **Sd//-** **V.K.Shrivastava** **Judge**	

G.Singh